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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,496	12/18/2003	Cuong V. Nguyen	19441-0006	1495
29052	7590	06/16/2006	EXAMINER	
SUTHERLAND ASBILL & BRENNAN LLP			KAPLAN, HAL IRA	
999 PEACHTREE STREET, N.E.				
ATLANTA, GA 30309			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,496

Applicant(s)

NGUYEN ET AL.

Examiner

Hal I. Kaplan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-15, 18, 22-25, 28, 29 and 31-36 is/are allowed.
- 6) ☒ Claim(s) 19-21, 26, 27 and 30 is/are rejected.
- 7) ☒ Claim(s) 9, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/18/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Paragraph 3, lines 13-14 contain the word "consumer's". It appears this should be "consumers' ". Paragraph 13, line 1, paragraph 14, line 1, paragraph 15, line 1, and paragraph 16, line 1 contain the phrase "aspect of the present". It appears this should read "aspect of the present invention". Paragraph 13, line 5 contains the phrase "of a generator;". It appears this should be "of a generator; and". Paragraph 34, line 28 contains the phrase "disconnected to". It appears this should be "disconnected from". Paragraph 35, line 15 contains the word "deviation"s". It appears this should be "deviation's". Paragraph 39, line 6 contains the word "corresponds". It appears this should be "correspond". Paragraph 40, line 2 contains the word "generator"s". It appears this should be "generator's". Paragraph 41, lines 13-14 contain the phrase "a prevalent designed for frequency in". It appears this should read "prevalent in". Paragraph 40, line 15 contains the phrase "prevalent designed for frequency that". It appears this should read "prevalent frequency for". Paragraph 45, line 5 contains the phrase "inverter 320a". It appears this should be "inverter 320a-n". Paragraph 46, line 20 contains the phrase "a sensor 450". It appears this should be "sensors 450" (see Figure 4). Paragraph 46, line 23 contains the phrase "sensor 450". It appears this should be "sensors 450". Paragraph 47, line 9 contains the phrase "compare it". It appears this should be "compare them to". Paragraph 48, line 13 contains the word "controllerIn". It appears this should be "controller. In". Paragraph 49, line 6 contains the word "include". It

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appears this should be "including". Paragraph 50, lines 12-13 contain the word "controllerThe". It appears this should be "controller. The". Paragraph 52, line 21 contains the phrase "its providing". It appears this should be "it is providing".

Appropriate correction is required.

Drawings

2. The drawings are objected to because of the following informalities: in Figure 4, it appears that "PT'S" sensor 450 should be "PTS". In addition, "PTS" should be written out in the specification. In detectors 470 and 497, the abbreviation "O/U" should be written out in the specification.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 510, 520, 530, 540, and 550 in Figure 5 (see paragraph 52). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 19 and 30 are objected to because of the following informalities: Claim 19, line 5 contains the phrase "of generators;". It appears this should be "of generators; and". Claim 30 lines 2-3, the phrase "the mode switch logic device" lacks proper antecedent basis. Appropriate correction is required.

5. Claims 9, 16, and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 9 recites the limitations "providing power comprising a second value of the parameter from a second power source to the load", "wherein the second value is within the range when the first value is outside the range", and "the second value comprises substantially the last monitored first value". These limitations are implicit in claim 1, from which claim 9 depends, which recites the limitations "monitoring the first value" and "wherein the second value comprises substantially the first value ... and is within the range when the first value is outside the range".

Claim 16 recites the limitation "providing the range of values". Claim 1, from which claim 16 depends, recites the limitation "the first value is within a range of values". This implies that the range of values is provided in some way.

Claim 17 recites the limitation "providing the range of values comprises providing a low limit value and a high limit value wherein the low limit value corresponds to one of two ends of the range and the high limit value corresponds to the other end of the

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range". This is the definition of a range. All numerical ranges have a low limit value at one end and a high limit value at the other end.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 26 recites the limitation "the range of values" in line 4. Claim 27 recites the limitation "the range" in line 8. Claim 30 recites the limitation "the range" in line 4.

There is insufficient antecedent basis for these limitations in the claims. Claim 26 depends from claims 23 and 25, and neither recites a range of values. Claim 27 depends from claims 23 and 24, and neither recites a range of values. Claim 30 depends from claims 23 and 25, and neither recites a range of values.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by the US patent of Huggett et al. (6,297,977).

As to claim 19, Huggett, drawn to parallel operation of multiple generators, discloses a method of supplying power to a load using a plurality of generators, comprising: connecting the plurality of generators (12) to the load (34) (see column 3, lines 9-10); providing a synchronization frequency from a controller which is external to

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the plurality of generators (12) (see column 3, lines 15-22 and Figure 3); and providing power from each of the plurality of generators (12) to the load (34) wherein the power provided by each of the generators (12) comprises a frequency which is substantially the synchronization frequency (see column 3, lines 15-22 and Figure 3).

As to claim 21, the power provided by each of the plurality of generators (12) comprises a frequency of substantially 60 Hertz (see column 3, line 18).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huggett.

Huggett discloses all of the claimed features, as set forth above, except for the 50 Hertz value. However, selection of values of components and operational levels for an electronic device are engineering decisions based upon the system's intended use and expected requirements of the systems with which it will interface. See MPEP §2144.04 IV(A).

Allowable Subject Matter

14. Claims 1-8, 10-15, 18, 22-25, 28, 29, and 31-36 allowed.

15. The following is an examiner's statement of reasons for allowance:

Claims 1-8, 10-15, and 18 are allowed because none of the prior art of record discloses providing power from two power sources simultaneously, rather than switching between the two sources, wherein the values of a parameter for the two sources are substantially the same when the value for the first source is within a range of values, rather than above or below one threshold value, and the value of the parameter for the second source is always within the range, and reconnecting the first power source when the first value is within the range, in combination with the remaining claimed features.

Claims 22-25, 28, and 29 are allowed because none of the prior art of record discloses a controller operative to drift the frequency from a power source to

substantially match the frequency from a second source, in combination with the remaining claimed features.

Claims 31-36 are allowed because none of the prior art of record discloses attempting to drift the frequency from the second power source away from the frequency from the first power source, in combination with the remaining claimed features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents to Elliott et al. (5,122,726), Nomiya et al. (6,107,784, Real (6,493,243), Fleming et al. (6,630,752), Wills (6,810,339), Yamamoto (6,960,843), and Ye et al. (7,016,793) disclose similar systems.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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